

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0253

STATE OF MONTANA,

Plaintiff and Appellee,

v.

JOSHUA HAWKEYE LEWIS,

Defendant and Appellant.

FILED

MAR 11 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA**MOTION FOR EXTENSION OF TIME AND
AFFIDAVIT IN SUPPORT**

The Appellee, State of Montana, respectfully requests an extension of time until April 29, 2010, in which to prepare, serve, and file its response brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 11th day of March, 2010.

STEVE BULLOCK
Montana Attorney General
P.O. Box 201401
215 North Sanders
Helena, MT 59620-1401

By: 

MICHEAL S. WELLENSTEIN
Assistant Attorney General

STATE OF MONTANA)
 : ss.
County of Lewis and Clark)

I, Micheal S. Wellenstein, being first duly sworn upon my oath, depose and state as follows:

1. I am an Assistant Attorney General for the State of Montana and have been assigned to prepare the Appellee's brief in the above-entitled matter.

2. The Appellee's brief was originally due on February 16, 2010. This Court has previously granted the Appellee one 30-day extension of time to file its brief. The Appellee's brief is presently due on March 18, 2010.

3. Due to my past and present workload, I cannot meet the present deadline for filing the Appellee's brief. My workload is as follows:

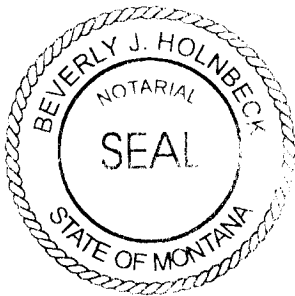
- (a) In re Z.J., N.L. and B.S., Mont. Sup. Ct., No. DA 09-0476, State's brief filed on February 2, 2010;
- (b) State v. Houghton, Mont. Sup. Ct., No. DA 09-0402, State's brief will be filed by March 18, 2010;
- (c) Cockrell v. State, Mont. Sup. Ct., No. DA 09-0651, State's brief due March 31, 2009; and
- (d) State v. Gonzales, Mont. Sup.Ct., No. DA 09-0431, State brief due April 9, 2010.

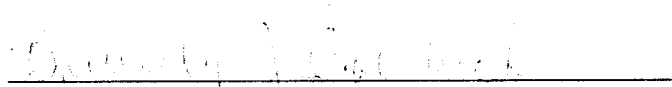
4. Opposing counsel has been contact concerning this motion, and does not object.

5. I will work diligently in an effort to complete this matter in the time requested.


MICHEAL S. WELLENSTEIN

SUBSCRIBED AND SWORN to before me this 11th day of March, 2010.




BEVERLY J. HOLNBECK
Notary Public for the State of Montana
Residing at Helena, Montana
My commission expires April 26, 2011

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion for Extension of Time to be mailed to:

Mr. Chris Christensen
Madison County Attorney
P.O. Box 73
Virginia City, MT 59755-0073

Ms. Taryn Stampfl Hart
Assistant Appellate Defender
(Hand-delivered into the wire basket located in the
reception area in the Attorney General's Office,
215 North Sanders, Helena, MT 59620.)

DATED: March 11, 2010 